



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sergeant Major Filiberto C. Diccicio, USA - Travel Allowances - Commuting

File: B-229351

Date: March 28, 1990

DIGEST

An Army member was ordered on a permanent change of station from Munich to Augsburg, Germany. Although government quarters were available for him in Augsburg and he was told that if he elected not to use them and commute, it would be at his personal expense, he claims travel allowances for commuting. His claim can not be allowed because the commuting between abode and permanent duty station is the member's personal responsibility for which travel allowances are not payable.

DECISION

This is in response to a request for a decision concerning the claim of Sergeant Major Filiberto C. Diccicio, USA, for reimbursement of travel expenses incurred in commuting between Munich and Augsburg, Germany.^{1/} For the reasons stated below, we find the claim should not be paid.

BACKGROUND

On December 6, 1984, Sergeant Filiberto C. Diccicio, assigned in Munich, Germany, as Deputy Finance Officer, was given a permanent change-of-station (PCS) order to Augsburg, Germany, effective the following day. The record includes a statement from Sergeant Diccicio's then commanding officer at whose request the PCS order was issued. He states that he directed Sergeant Diccicio to move into government quarters at Augsburg or commute at his own expense. He further states, however, that Sergeant Diccicio found the

^{1/} The Finance Officer, 10th Finance Support Unit, U.S. Army, Europe, requested the decision. The request was forwarded through the Per Diem, Travel and Transportation Committee which assigned it Control No. 87-22.

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quarters in Augsburg inadequate and elected to commute the distance, which Sergeant Diciccio states was 52 miles each way.

The former commanding officer also states that because Sergeant Diciccio was serving without dependents only \$100 was authorized to move his household goods. When this was found inadequate, it was increased to \$250 which was also found inadequate. In about February 1985 it was determined that Sergeant Diciccio was entitled to the full cost of moving his goods. Apparently, however, he continued commuting between Munich at Augsburg, through July 2, 1985, when a new commanding officer apparently cancelled the PCS. Thereafter, he requested that temporary duty orders be issued for this period so that he could be reimbursed expenses involved in commuting from Munich to Augsburg. Temporary duty orders were denied and he was never authorized to use his POV at government expense for this travel.

OPINION

In this case it is clear that Sergeant Diciccio's assignment in Augsburg constituted a permanent change of station and, therefore, Augsburg was his permanent station.

The order of December 6, 1984, was a permanent change-of-station order, the commanding officer who requested it confirms that it was his intention that it be so, and it was never changed during the period of this claim. The fact that the PCS may have been cancelled in July 1985 does not change the facts as they existed during the period involved here.^{2/}

While apparently there was some unfortunate confusion over how much could be spent for movement of his household goods, the PCS order was not cancelled. It also seems clear that Sergeant Diciccio was never authorized to commute by POV at government expense, and in fact he was told that if he chose to commute, it would be at his personal expense. Therefore, the general rule is applicable here that travel between a member's place of abode and his permanent duty station is his personal responsibility, for which he is not entitled to

^{2/} It is not clear from the record what happened upon "cancellation" of the PCS order, that is, whether Sergeant Diciccio was returned to Munich or transferred elsewhere. That information is not necessary to deciding this case.

travel allowances. See Petty Officer Norfleet G. Freeman,
USN, B-204865, Dec. 29, 1981, and cases cited therein.

Accordingly, payment is not authorized on Sergeant
Deciccio's claim.

for Milton J. Acosta
Comptroller General
of the United States